

Bill No. 21
3-5-09
SB 350

SB 350 – Routine HIV Screening

Sponsored by Senator Kim Gillan

Overview:

SB 350 is a bill that would provide for routine HIV screening and incorporate the screening into a patient's general informed consent for medical care. The bill also incorporates prenatal and labor and delivery HIV screening into general informed consent for medical care in an effort to prevent the spread of HIV. Privacy issues related to general informed consent for medical care are covered under the Health Insurance Portability and Accountability Act (HIPAA).

Current Situation:

HIV testing and screening in the state of Montana is currently provided for in statute and requires that a person must specifically seek out HIV diagnostic testing, have pre and post counseling and sign a written consent form.

Change Requested:

In concert with the recommendations from the Centers for Disease Control and Prevention, SB 350 would provide for routine HIV screening and incorporate the screening into a patients' general informed consent for medical care. This bill would allow a patient to "opt-out" of HIV screening and that decision would be documented in the patient's medical chart.

SB 350 Would:

- Remove barriers to HIV testing in a healthcare setting as pre and post-test counseling are sometimes viewed as onerous.
- De-stigmatize HIV testing as eventually, every patient seeking care in a healthcare setting would know his/her HIV status provided that she/he did not opt out of testing.
- Decrease HIV transmission in Montana as it has been proven that people who are not aware of their HIV positive status are more likely to transmit the disease than those who know their HIV status.
- Significantly reduce the chances of HIV transmission to newborns by ensuring that HIV positive mothers received proper treatment and monitoring throughout their pregnancies.
- Save money as the average lifetime cost of care for someone with HIV is \$200,000.
- The total lifetime cost for Americans newly diagnosed with HIV/AIDS during 2002 was approximately \$36.4 billion which includes almost \$7 billion in direct medical costs and almost \$30 billion in productivity losses.

Added Benefits of Routine HIV Screening:

- 25% of people in the United States with HIV do not know that they are infected.
- HIV can be reliably diagnosed prior to symptom development and patients are more likely to be tested if testing is suggested by a medical provider.
- Routine testing helps de-stigmatize the disease.
- Early entry into HIV care increases the likelihood of a longer, healthier life. 39% of people with HIV in the US are not diagnosed until they are in the late stages of the disease.
- Transmission rates are higher in people who do not know they have HIV. People who know their positive HIV status are more likely to engage in risk reduction measures.